

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOBBY S. MOSS,

Petitioner,

vs.

ROB JEFFERYS,

Respondent.

8:23CV242

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP").¹ [Filing No. 2](#). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). The Court has reviewed the application to proceed IFP pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#). Petitioner's trust account information shows that Petitioner's account contained an average monthly balance of \$100 or more for the six-month period immediately preceding the filing of the petition. [Filing No. 3](#). Thus, the Court concludes that Petitioner must be required to pay the \$5.00 filing fee because he has the financial ability to do so. See [28 U.S.C. § 1915\(a\)](#). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Petitioner's request to proceed IFP, [Filing No. 2](#), is denied.

¹ Upon initial filing, Petitioner's IFP motion, [Filing No. 2](#), as well as his petition, [Filing No. 1](#), were unsigned, and the Clerk of the Court entered a Text Notice of Signature Deficiency requiring Petitioner to correct the deficiencies. Petitioner corrected the petition's signature deficiency by filing the petition's signature page on June 14, 2023, [Filing No. 8](#), but did not file a signed copy of his IFP motion. Because the Court finds Petitioner is not eligible to proceed IFP, the signature deficiency issue is moot.

2. Petitioner must pay the \$5.00 filing fee within 30 days. Petitioner is warned that if the fee is not paid as required, the Court may dismiss this case without further notice.

3. The Clerk of the Court is directed to set a pro se case management deadline in this case using the following text: **August 7, 2023**: deadline for Petitioner to pay \$5.00 filing fee.

4. No further review of this case will take place until the filing fee is paid.

Dated this 6th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge